

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 170

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO CRIMINAL LAW; REVISING THE ELEMENTS OF THE CRIMINAL
OFFENSE KNOWN AS ENTICEMENT OF A CHILD; INCREASING PENALTIES;
AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-9-1 NMSA 1978 (being Laws 1963,
Chapter 303, Section 9-10) is amended to read:

"30-9-1. ENTICEMENT OF A CHILD. --

A. Enticement of a child consists of:

~~[A.]~~ (1) a person enticing, persuading or
attempting to persuade a child under the age of sixteen years
to enter ~~[any]~~ a vehicle, building, room or secluded place with
intent to commit an act ~~[which]~~ that would constitute a crime
under ~~[Article 9 of the Criminal Code; or]~~ Chapter 30, Article
9 NMSA 1978;

1 ~~[B-]~~ (2) a person having possession of a child
2 under the age of sixteen years in ~~[any]~~ a vehicle, building,
3 room or secluded place with intent to commit an act ~~[which]~~
4 that would constitute a crime under ~~[Article 9 of the Criminal~~
5 ~~Code]~~ Chapter 30, Article 9 NMSA 1978; or

6 (3) a person enticing, persuading or
7 attempting to persuade a child under the age of sixteen years
8 to enter a vehicle, building, room or secluded place with the
9 knowledge that the person has no lawful authority to do so and
10 with intent to commit an act that would constitute a crime
11 under Chapter 30, Article 2, 3, 3A, 4, 5, 6 or 6A NMSA 1978.

12 B. Whoever commits enticement of a child is guilty
13 of a ~~[misdemeanor]~~ fourth degree felony. "

14 Section 2. EFFECTIVE DATE. --The effective date of the
15 provisions of this act is July 1, 2003.

underscoring material = new
[bracketed material] = delete